



Robert Greene Sterne  
Jorge A. Goldstein  
David K.S. Commwell  
Robert W. Esmond  
Tracy-Gene G. Durkin  
Michele A. Cimbala  
Michael B. Ray  
Robert E. Sokohl  
Eric K. Steffe  
Michael Q. Lee  
Steven R. Ludwig  
John M. Covert  
Robert C. Millonig  
Donald J. Featherstone  
Timothy J. Shea, Jr  
Michael V. Messinger  
Judith U. Kim  
Patrick E. Garrett  
Jeffrey T. Helvey

Eldora L. Ellison  
Thomas C. Fiala  
Donald R. Banowit  
Peter A. Jackman  
Jeffrey S. Weaver  
Brian J. DeI Buono  
Mark Fox Evens  
Edward W. Yee  
Vincent L. Capuano  
Virgil Lee Beaston  
Theodore A. Wood  
Elizabeth J. Haanes  
Joseph S. Ostroff  
Frank R. Cottingham  
Daniel A. Klein  
Jason D. Eisenberg  
Michael D. Specht  
Tracy L. Muller  
Jon E. Wright

LuAnne M. DeSantis  
Ann E. Summerfield  
Helene C. Carlson  
Cynthia M. Bouchez  
Timothy A. Doyle  
Gaby L. Longworth  
Lori A. Gordon  
Laura A. Vogel  
Bryan S. Wade  
Bashir M.S. Ali  
Shannon A. Carroll  
Anbar F. Khal  
Michelle K. Holoubek  
Marsha A. Rose  
Young Tang  
Christopher J. Walsh  
W. Blake Coblenz\*  
James J. Pohl\*  
John T. Haran

Mark W. Rygiel  
Kevin W. McCabe  
Michael R. Malek\*  
Doyle A. Siever\*  
Ulrike Winkler\*

**Registered Patent Agents\***  
Karen R. Markowicz  
Matthew J. Dowd  
Katrina Yujian Pei Quach  
Bryan L. Skelton  
Robert A. Schwartzman  
Victoria S. Rutherford  
Simon J. Elliott  
Julie A. Heider  
Mita Mukherjee  
Scott M. Woodhouse

Liliana Di Nola-Baron  
Peter A. Socarras  
Jeffrey K. Mills  
Danielle L. Letting  
Lori Brandes  
Steven C. Oppenheimer

**Of Counsel**  
Edward J. Kessler  
Kenneth C. Bass III  
Marvin C. Guthrie

\*Admitted only in Maryland  
\*Admitted only in Virginia  
\*Practice Limited to  
Federal Agencies

November 8, 2006

**WRITER'S DIRECT NUMBER:**  
(202) 772-8861  
**INTERNET ADDRESS:**  
CBOUCHEZ@SKGF.COM

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**Art Unit 1616**

**Attn: Mail Stop Amendment**

Re: U.S. Utility Patent Application  
Application No. 10/567,383; § 371 Date: February 7, 2006  
For: **4-Biphenyl-Substituted 4-Substituted Pyrazolidin-3,5-Diones Pesticide Agent And/Or Microbicide And/Or Herbicide**  
Inventors: FISCHER *et al.*  
Our Ref: 2400.0190000/JMC/VLC/CMB

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Information Disclosure Statement;
2. Form PTO/SB/08A listing thirty-one (31) cited documents (3 pages);
3. Copies of twenty-nine (29) of the thirty-one (31) cited documents (**FP1-FP29**);
4. Form PTO/SB/08B listing thirteen (13) cited documents (2 pages);
5. Copies of the thirteen (13) cited documents (**NPL1-NPL13**); and
6. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.



Commissioner for Patents  
November 8, 2006  
Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read "Cynthi Bouchez", with a checkmark at the end.

Cynthia M. Bouchez  
Attorney for Applicants  
Registration No. 47,438

JMC/VLC/CMB:krh  
Enclosures

605543\_1.DOC





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

FISCHER *et al.*

Appl. No.: 10/567,383 (U.S. Natl. Phase  
of PCT/EP2004/008639)

§ 371 Date: February 7, 2006

For: **4-Biphenyl-Substituted 4-  
Substituted Pyrazolidin-3,5-  
Diones Pesticide Agent And/Or  
Microbicide And/Or Herbicide**

Confirmation No.: 9640

Art Unit: 1616

Examiner: *To Be Assigned*

Atty. Docket: 2400.0190000/JMC/CMB

**Information Disclosure Statement Under 37 C.F.R. § 1.97(b)**

***Mail Stop Amendment***

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Listed on accompanying IDS Forms, PTO/SB/08A and PTO/SB/08B, are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Copies of documents **FP1** to **FP29** and **NPL1** to **NPL13** are submitted. However, in accordance with 37 C.F.R. § 1.98(a)(2), copies of U.S. patents, documents **US1** to **US2**, cited on the attached IDS Form, PTO/SB/08A, are not submitted.

The documents, **FP16**, **FP21**, **FP26**, **FP28**, and **FP29** were cited in a search report by a foreign patent office in a counterpart foreign application. Submission of an English language version of the search report that indicates the degree of relevance found by the foreign office is provided in satisfaction of the requirement for a concise explanation of relevance. 1138 OG 37, 38.



In accordance with 37 C.F.R. § 1.98(a)(3), Applicants' undersigned representative submits the following discussion of the relevance of the non-English language documents **FP1** to **FP13**, **FP15**, **FP17**, **FP19**, and **FP21** to **FP25** cited on Form PTO/SB/08A:

Document **FP1**, DE 2 218 097, is in the German language. An English language abstract of document FP1 is attached as document **NPL2**.

Document **FP2**, DE 2 350 547, is in the German language. An English language abstract of document FP2 is attached as document **NPL3**.

Document **FP3**, EP 0 086 750 A2, is in a foreign language. An English language abstract of document FP3 is attached as document **NPL4**.

Document **FP4**, EP 0 094 349 A2, is in a foreign language. An English language abstract of document FP4 is attached as document **NPL5**.

Document **FP5**, EP 0 174 562 A2, is in a foreign language. An English language abstract of document FP5 is attached as document **NPL6**.

Document **FP6**, EP 0 191 736 A2, is in a foreign language. An English language abstract of document FP6 is attached as document **NPL7**.

Document **FP7**, EP 0 269 806 A1, is in a foreign language. An English language abstract of document FP7 is attached as document **NPL8**.

Document **FP8**, EP 0 333 131 A1, is in a foreign language. An English language abstract of document FP8 is attached as document **NPL9**.



Document **FP9**, EP 0 346 620 A1, is in a foreign language. An English language abstract of document FP9 is attached as document **NPL10**.

Document **FP10**, WO 91/07874 A1, is in a foreign language. An English language abstract of document FP10 can be found on the face page of the patent.

Document **FP11**, WO 91/08202 A1, is in a foreign language. An English language abstract of document FP11 can be found on the face page of the patent.

Document **FP12**, EP 0 492 366 A2, is in a foreign language. An English language abstract of document FP12 is attached as document **NPL11**.

Document **FP13**, EP 0582 198 A2, is in a foreign language. An English language abstract of document FP13 is attached as document **NPL12**.

Document **FP15**, WO 94/29268 A1, is in a foreign language. An English language abstract of document FP15 can be found on the face page of the patent.

Document **FP17**, WO 95/07897 A1, is in a foreign language. An English language abstract of document FP17 can be found on the face page of the patent.

Document **FP19**, DE 196 21 522 A1, is in the German language. An English language abstract of document FP19 is attached as document **NPL13**.

Document **FP21**, WO 99/20610 A1, is in the Japanese language. An English language abstract of document FP21 can be found on the face page of the patent.



Document **FP22**, WO 99/43649 A1, is in a foreign language. An English language abstract of document FP22 can be found on the face page of the patent.

Document **FP23**, WO 99/48869 A1, is in a foreign language. An English language abstract of document FP23 can be found on the face page of the patent.

Document **FP24**, WO 99/55673 A1, is in a foreign language. An English language abstract of document FP24 can be found on the face page of the patent.

Document **FP25**, WO 99/66795 A1, is in a foreign language. An English language abstract of document FP25 can be found on the face page of the patent.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent



application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

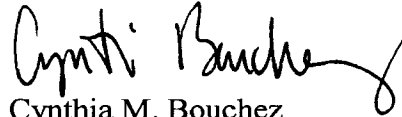
This Information Disclosure Statement is being filed within three months of the date of filing. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Cynthia M. Bouchez  
Attorney for Applicants  
Registration No. 47,438

Date: Nov. 8, 2006

1100 New York Avenue, N.W.  
Washington, D.C. 20005-3934  
(202) 371-2600  
579577v1





<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (Use as many sheets as necessary)				<b>Complete if Known</b>	
				Application Number	10/567,383 (U.S. Natl. Phase PCT/EP2004/008639)
				§ 371 Date	September 6, 2006
				First Named Inventor	Reiner FISCHER
				Art Unit	1616
				Examiner Name	To Be Assigned
Sheet	1	of	3	Attorney Docket Number	2400.0190000/JMC/CMB

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
/K.B./	US1	6,235,680 B1	05/22/2001	Ziemer <i>et al.</i>	
/K.B./	US2	6,251,827 B1	06/26/2001	Ziemer <i>et al.</i>	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
/K.B./	FP1	DE 2 218 097	11/02/1972	Stauffer Chemical Co.		Abs
	FP2	DE 2 350 547	04/25/1974	Stauffer Chemical Co.		Abs
	FP3	EP 0 086 750 A2 and EP 0 086 750 A3	08/24/1983	Ciba-Geigy AG		Abs
	FP4	EP 0 094 349 A2 and EP 0 094 349 A3	11/16/1983	Ciba-Geigy AG		Abs
	FP5	EP 0 174 562 A2 and EP 0 174 562 A3	03/19/1986	Hoechst Aktiengesellschaft		Abs
	FP6	EP 0 191 736 A2 and EP 0 191 736 A3	08/20/1986	Ciba-Geigy AG		Abs
	FP7	EP 0 269 806 A1	06/08/1988	Hoechst Aktiengesellschaft		Abs
	FP8	EP 0 333 131 A1	09/20/1989	Hoechst Aktiengesellschaft		Abs
	FP9	EP 0 346 620 A1	12/20/1989	Hoechst Aktiengesellschaft		Abs

Examiner Signature	/Kristin Bianchi/	Date Considered	06/24/2008
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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



Substitute for form 1449/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(Use as many sheets as necessary)</i>				<b>Complete if Known</b>	
				Application Number	10/567,383 (U.S. Natl. Phase PCT/EP2004/008639)
				§ 371 Date	September 6, 2006
				First Named Inventor	Reiner FISCHER
				Art Unit	1616
				Examiner Name	To Be Assigned
Sheet	2	of	3	Attorney Docket Number	2400.0190000/JMC/CMB

U.S. PATENT DOCUMENTS					
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		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
/K.B./	FP10	WO 91/07874 A1	06/13/1991	Hoechst Aktiengesellschaft		Abs
	FP11	WO 91/08202 A1	06/13/1991	Hoechst Aktiengesellschaft		Abs
	FP12	EP 0 492 366 A2 and EP 0 492 366 A3	07/01/1992	Hoechst Aktiengesellschaft		Abs
	FP13	EP 0 582 198 A2 and EP 0 582 198 A3	02/09/1994	Hoechst Aktiengesellschaft		Abs
	FP14	EP 0 613 618 A1	09/07/1994	American Cyanamid Company		
	FP15	WO 94/29268 A1	12/22/1994	Bayer Aktiengesellschaft		Abs
	FP16	WO 95/01971 A1	01/19/1995	Bayer Aktiengesellschaft		ISR
	FP17	WO 95/07897 A1	03/23/1995	Hoeschst Schering AgrEvo GmbH		Abs
	FP18	WO 96/37494 A1	11/28/1996	Zeneca Limited		

Examiner Signature	/Kristin Bianchi/	Date Considered	06/24/2008
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				§ 371 Date	September 6, 2006
				First Named Inventor	Reiner FISCHER
				Art Unit	1616
				Examiner Name	To Be Assigned
Sheet	3	of	3	Attorney Docket Number	2400.0190000/JMC/CMB

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			

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Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
/K.B./		DE 196 21 522 A1	12/04/1997	Hoeschst Schering AgrEvo GmbH		Abs
	FP19					
	FP20	WO 98/25923 A1	06/18/1998	Zeneca Limited		
		WO 99/20610 A1	04/29/1999	Otsuka Kagaku Kabushiki Kaisha		Abs
	FP21					
	FP22	WO 99/43649 A1	09/02/1999	Bayer Aktiengesellschaft		Abs
	FP23	WO 99/48869 A1	09/30/1999	Bayer Aktiengesellschaft		Abs
	FP24	WO 99/55673 A1	11/04/1999	Bayer Aktiengesellschaft		Abs
		WO 99/66795 A1	12/29/1999	Hoeschst Schering AgrEvo GmbH		Abs
	FP25					
		EP 1 026 159 A1	08/09/2000	Otsuka Lagaku Kabushiki Kaisha		ISR
	FP26					
		WO 01/17353 A1	03/15/2001	Syngenta Participations AG		
	FP27					
		WO 01/17973 A2	03/15/2001	Syngenta Participations AG		ISR
	FP28					
		WO 03/045957 A1	06/05/2003	Bayer CropScience Aktiengesellschaft		ISR
	FP29					

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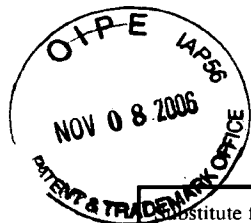
Examiner Signature	/Kristin Bianchi/	Date Considered	06/24/2008
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PTO/SB/08B (07-05)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (Use as many sheets as necessary)				<b>Complete if Known</b>	
				Application Number	10/567,383 (U.S. Natl. Phase of PCT/EP2004/008639)
				§ 371 Date	September 6, 2006
				First Named Inventor	Reiner FISCHER
				Art Unit	1616
				Examiner Name	To Be Assigned
Sheet	1	of	2	Attorney Docket Number	2400.0190000/JMC/CMB

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume issue number(s), publisher, city and/or country where published	T <sup>2</sup>
/K.B./	NPL1	Copy of International Search Report for International Application No. PCT/EP2004/008639, Mailed January 18, 2005, European Patent Office, NL	
	NPL2	Dialog File 351, Accession No. 502720, WPI English language abstract for DE 2 218 097 (listed on accompanying PTO/SB/08A as document FP1)	
	NPL3	Dialog File 351, Accession No. 629712, WPI English language abstract for DE 2 350 547 (listed on accompanying PTO/SB/08A as document FP2)	
	NPL4	Dialog File 351, Accession No. 2714950, WPI English language abstract for EP 0 086 750 (listed on accompanying PTO/SB/08A as document FP3)	
	NPL5	Dialog File 351, Accession No. 2777922, WPI English language abstract for EP 0 094 349 (listed on accompanying PTO/SB/08A as document FP4)	
	NPL6	Dialog File 351, Accession No. 3892231, WPI English language abstract for EP 0 174 562 (listed on accompanying PTO/SB/08A as document FP5)	
	NPL7	Dialog File 351, Accession No. 3770049, WPI English language abstract for EP 0 191 736 (listed on accompanying PTO/SB/08A as document FP6)	
	NPL8	Dialog File 351, Accession No. 4372286, WPI English language abstract for EP 0 269 806 (listed on accompanying PTO/SB/08A as document FP7)	
	NPL9	Dialog File 351, Accession No. 4889149, WPI English language abstract for EP 0 333 131 (listed on accompanying PTO/SB/08A as document FP8)	
	NPL10	Dialog File 351, Accession No. 4963457, WPI English language abstract for EP 0 346 620 (listed on accompanying PTO/SB/08A as document FP9)	

Examiner Signature	/Kristin Bianchi/	Date Considered	06/24/2008
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<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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				Application Number	10/567,383 (U.S. Natl. Phase of PCT/EP2004/008639)	
				§ 371 Date	September 6, 2006	
				First Named Inventor	Reiner FISCHER	
				Art Unit	1616	
Examiner Name	To Be Assigned					
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579497v1

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Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume issue number(s), publisher, city and/or country where published	T <sup>2</sup>
/K.B./	NPL11	Dialog File 351, Accession No. 5984812, WPI English language abstract for EP 0 492 366 (listed on accompanying PTO/SB/08A as document FP12)	
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/K.B./	NPL13	Dialog File 351, Accession No. 9053979, WPI English language abstract for DE 196 21 522 (listed on accompanying PTO/SB/08A as document FP19)	

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